



Security Council

Distr.: General
3 June 2002

Original: English

Letter dated 31 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Republic of Mali, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

Note verbale dated 29 May 2002 from the Permanent Representative of Mali to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: French]

The Permanent Mission of Mali to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit to him herewith the report of Mali to the Counter-Terrorism Committee, submitted pursuant to paragraph 6 of that resolution (see enclosure).

Enclosure**Report of Mali submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001**

Mali, a State which has thus far, thankfully, been spared from terrorism and is by tradition committed to peace and believes in the virtues of dialogue, has long shown that it is determined to combat terrorism in all its forms, no matter who the perpetrators and leaders may be or what motives they may have.

This determination was reaffirmed in the wake of the attacks perpetrated on Tuesday, 11 September 2001, against the United States of America.

Mali believes that efforts to combat terrorism must show scrupulous respect for human rights, and no attempt at oversimplification should lead anyone to confuse terrorism with Islam or to view it as a simple clash of civilizations.

Long before the unfortunate events of 11 September 2001, Mali, true to its ideals of secular peace and dialogue, was a party to all legal instruments aimed at combating this scourge concluded under the auspices of the United Nations, the Organization of African Unity (OAU) and the Organization of the Islamic Conference.

Convinced that recent developments in terrorism would have unfortunate consequences and trends, Mali vigorously condemned the base and barbaric acts perpetrated against the United States of America, and it has strengthened its dialogue on terrorism with that country through its Embassy in Bamako.

Mali has always supported and continues to support a strengthening of cooperation with neighbouring States and within various international forums, particularly the United Nations, in order to combat terrorism more effectively.

Mali welcomes the action taken by the United Nations, particularly the adoption of a number of resolutions following the events of 11 September 2001; these resolutions have laid the foundation for a permanent strengthening of the international cooperation which is essential for the elimination of this scourge; equally indispensable to such cooperation are dialogue and assistance to States through bilateral and multilateral channels.

Mali has no agency specially tasked with combating terrorism, since activities to combat terrorism and curtail its financing require extensive efforts by all State services.

In order to prevent its financial system from being used to finance terrorism, Mali has taken a number of measures, including the application of international norms for combating money-laundering, with a view to ensuring that its financial system is fully compliant with its obligations to monitor such things as the identification of clients and economic beneficiaries.

A review is currently being conducted with a view to instituting the mechanisms and procedures presented at the seminar on asset-laundering in the States members of the West African Monetary Union (WAMU) held at Dakar on 7 and 8 February 2002. The seminar focused on the links between money-laundering and the financing of terrorism.

Naturally, it is understood that Mali, bound as it is by its international obligations and its commitment to promoting and maintaining international peace and security, does not provide any form of support to terrorism.

It is an offence under the Malian Criminal Code to mount a criminal conspiracy, and the judicial authorities systematically institute proceedings whenever corroborating evidence is found that indicates that a criminal conspiracy has been constituted for the purpose of committing acts of terrorism.

Malian legislation severely punishes violations of the regulations governing weapons, and restrictions are placed on the bearing, sale and circulation thereof.

At Mali's initiative, a Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa was adopted at the twenty-first session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), held at Abuja on 30 and 31 October 1998. This Moratorium, which has elicited interest throughout Africa, led to the development of initiatives in other regions, especially in the Southern African Development Community (SADC) and in the Horn of Africa.

To prevent acts of terrorism from being perpetrated from its territory, the Government of the Republic of Mali has set up a number of structures at both the administrative and judicial levels. These are:

- The Department of State Security, which is responsible for infiltrating extremist circles in order to gather valuable information about subversive projects so that appropriate decisions can be taken swiftly;
- The Malian National Central Bureau of Interpol, which is responsible for gathering and disseminating information about organized crime in general and terrorism in particular;
- At the regional level, the Programme for Coordination and Assistance for Security and Development (PCASED), which helps to combat the proliferation of light weapons and the use of landmines in Africa.

Alongside these structures is the National Commission to Combat the Proliferation of Light Weapons, which has been established within the Office of the President of the Republic. One of the Commission's tasks is to collect and destroy light weapons throughout the country.

Mali scrupulously honours its international obligations as a State party to the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1961 by granting refugee status to persons who meet the criteria set out in the Convention.

Hearings on requests for asylum are considered by the National Commission for Refugees (CNCR) in cases where an applicant is suspected of involvement in terrorist activities.

The Commission, working through Mali's diplomatic missions and the various offices of the Office of the United Nations High Commissioner for Refugees (UNHCR), conducts inquiries into the identity of applicants for asylum, their reasons for leaving their country and their means of arrival in Mali.

Under article 8 of Act No. 98-040 of 20 July 1998, concerning the status of refugees, persons granted refugee status may be expelled from Malian territory only for reasons of security or if they are sentenced to deprivation of liberty for acts classified as crimes or misdemeanours.

However, such expulsion cannot be ordered, except where urgent considerations of national security or public order are involved, until an opinion has been obtained from CNCR, and the applicant shall be entitled to present his defence before the Commission, in accordance with article 9 of Act No. 98-040.

At the same time, refugees are forbidden under article 15 of this Act from engaging in subversive activities that may undermine Mali's national security or in activities that are incompatible with the purposes and principles of OAU and the United Nations.

As a signatory to international security and judicial cooperation agreements, Mali cannot object to the extradition of a presumed terrorist if a third State requesting the extradition furnishes the necessary evidence.

If a request for extradition concerns a refugee, Mali is also prepared to acquiesce in cases where:

- The individual concerned has committed a crime against peace, a war crime or a crime against humanity as the term is understood in the international instruments developed to deal with these crimes;
- The individual concerned committed a serious crime of a non-political nature outside the host country prior to being admitted as a refugee;
- The individual concerned has been found guilty of acts inconsistent with the purposes and principles of OAU and the United Nations.

To prevent its territory from being used as a base, Mali has taken specific measures by signing with the Niger, Algeria and Mauritania a protocol to combat terrorism and all underlying activities in the "no-man's land" between them.

While abiding by the provisions of the Freedom of Association Act of 1 July 1901, the Malian authorities are legally empowered to deal with the activities of groups that break the law or disrupt the public order and seek to support terrorist organizations, even when such activities are presented as being of a cultural, charitable, humanitarian or religious nature.

Thus any group that has its basis in an illegal cause or is organized for illegal purposes, contrary to the law and public morality, must be dissolved. Dissolution takes into account not only the organization's official purpose as set out in its statute but also the objectives actually pursued by the group.

Among the procedures and mechanisms providing inter-State assistance to which Mali belongs, apart from the standard Interpol network, is the West African Police Chiefs Committee, which is a forum for exchanges of operational information in the context of efforts to combat terrorism in the West African subregion.

Mali has also created special units to actively fight terrorism. These include the Special Intervention Brigade, the National Police Anti-Crime Brigade and the Mobile Intervention Brigade of the customs authorities.

Mali is party to a number of multilateral instruments dealing with judicial assistance and is actively developing a policy for the negotiation of new bilateral agreements aimed at strengthening and improving the legal framework governing such assistance.

Lastly, special emphasis is placed on training of civil servants in general and police officers and customs officials in particular to permit the gathering and exchange of data and information. Mali's efforts in this area focus on travel documents which are commonly used to apprehend persons under suspicion or wanted.

To this end, Mali has established two services within the National Police Department:

- The Office of Border Police Services, which deals with the issuing of passports and other travel documents. By computerizing all its activities the office will be able to produce secure travel documents that meet international standards and monitor flows of persons across the country's border's more reliably;
- The Judicial Identity Service, which can conduct verifications and monitoring on the basis of travel and identity documents, fingerprints or handwriting (forgeries and counterfeits).

Various controls are systematically implemented when travel documents are issued, and a personal appearance is required of applicants. These controls are chiefly intended to verify the civil status and identity of applicants, to place them on the list of wanted persons if necessary, and to issue to them the documents requested when appropriate.

In the area of operational information exchange, in addition to the internal procedures of various government departments, meetings have been held with some neighbouring countries with a view to gathering and disseminating information needed to combat suspected terrorist "dens" in northern Mali and the no-man's land shared by Algeria, Mali, Mauritania and the Niger.

An information bureau has been opened at Tamanrasset to facilitate rapid exchanges among the participating countries.

Joint patrols have been organized in an effort to halt trafficking in weapons of all types in the region. Cooperation in this area takes the form of multilateral and bilateral agreements for mutual aid and judicial assistance.

It should be noted that Mali has acceded to the treaty establishing the Organization for the Harmonization of Business Law in Africa, which standardizes, inter alia, recovery procedures, means of enforcement and the law pertaining to corporations and economic consortiums for all ECOWAS countries.

Mali is already party to 15 international anti-terrorism conventions (see annex), including 13 concluded under the auspices of the United Nations, one under the auspices of OAU and another under the auspices of the Organization of the Islamic Conference.